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November 30, 2016

The Honorable Judge Frederick J. Scullin, Jr.
Federal Building and U.S. Courthouse
P.O. Box 7255
Syracuse, NY 13261-7255

Re: 1:16-cv-00376-FJS-DEP Plaintiff's Motion for Extension of Time within Which to Effectuate Service on John Doe Defendant

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC ("Plaintiff"), moves for entry of an order extending the time within which Plaintiff has to serve Defendant with a Summons and Complaint, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant's true identity is known by their Internet service provider ("ISP").

2. On May 2, 2016, Plaintiff was granted leave to serve a third party subpoena on Defendant's ISP, Time Warner Cable, to obtain the Defendant's identifying information [CM/ECF 6]. Plaintiff served the subpoena on or about May 10, 2016, and received the ISP's response on November 28, 2016.

3. Upon receipt of the subscriber's identifying information, Plaintiff conducted a thorough investigation and determined that the subscriber was indeed the infringer. Plaintiff is in the process of preparing its Amended Complaint to name the Defendant.

4. Pursuant to Fed. R. Civ. P Rule 4(m), Plaintiff is required to effectuate service on the Defendant by no later than December 5, 2016.

5. Procedurally, Plaintiff respectfully requests that the time within which it must effectuate service of a summons and Complaint on the John Doe Defendant be extended until for an additional forty-five (45) days, or until January 19, 2107.

6. This motion is made in good faith and not for the purpose of undue delay.

7. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve the Defendant be extended until January 19, 2017.

Respectfully Submitted,

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